



1FW

**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Warren et al.
CASE: IOM-P043
SER. NO.: 10/707,794
FILING DATE: January 13, 2004
FOR: The Use Of 5 Fluorourcil,
Delivered By Inotophoresis As
An Inhibitor Of Cell
Proliferation In The Eye,
Bulbar And Palpebral
Conjunctiva, Eyelid, ...

**REQUEST FOR
CORRECTED FILING
RECEIPT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION OF:
Not yet assigned
EXAMINER:
Not yet assigned
CONFIRMATION NO.:
1793

Dear Sirs:

Applicant hereby requests a corrected filing receipt for the present application as the Updated Filing Receipt dated June 25, 2004 (a copy of which is attached hereto as "Exhibit A") does not properly identify the "Domestic Priority data as claimed by applicant." Nor does the filing receipt properly identify the present application as a National Phase application of PCT/US02/22860.

Applicant submits that the Declaration as filed on June 10, 2004 (a copy of which is attached hereto as "Exhibit B") clearly indicates that the present application was previously filed

FACTOR & LAKE, LTD.
1327 W. Washington Blvd.
Suite 5G/H
Chicago, Illinois 60607
Tel: (312) 226-1818
Fax: (312) 226-1919

Jody L. Factor	34157
Micheal D. Lake	33727
Edward L. Bishop	39110
Joseph M. Kinsella Jr.	45743
Nick S. Lee	54260

on July 19, 2002 as PCT/US02/22860, and claims priority to US 60/306,788, which was filed on July 20, 2001. Accordingly, this information should have been indicated in the Updated Filing Receipt mailed June 25, 2004.

In addition, Applicant submits that the present application is a National phase application filed under 37 C.F.R. §371 of International application serial number PCT/US02/22860 as indicated at the time of electronically filing (a copy of the Application Data sheet is attached hereto as "Exhibit C").

In light of the foregoing, Applicant hereby respectfully requests a Corrected Filing Receipt identifying both the claim of priority and identifying the present application as a National Phase application filed under 37 C.F.R. §371.

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.

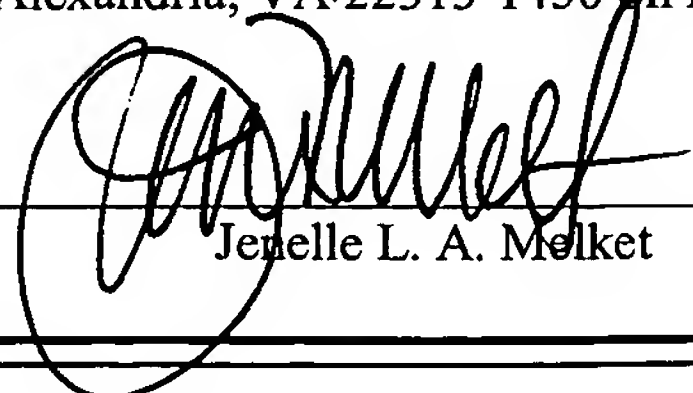
Dated: March 7, 2006



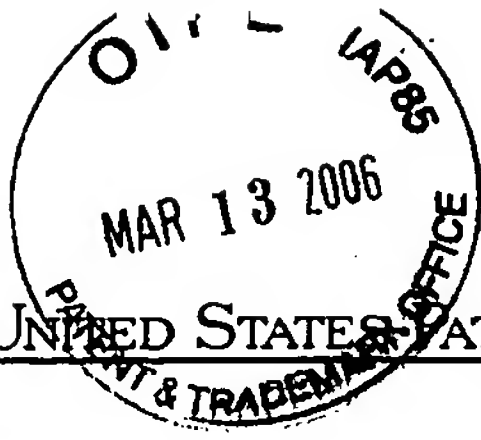
Jody L. Factor
One of Applicant's Attorneys

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 7, 2006.



Jenelle L. A. Melket



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/707,794	01/13/2004	1614	678	IOM-P043	1	31	6

22876
FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

CONFIRMATION NO. 1793
UPDATED FILING RECEIPT



OC000000013065581

Date Mailed: 06/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Stephen Warren, Salt Lake City, UT;
Steven Hamilton, Park City, UT;

Assignment For Published Patent Application

IOMED, INC., Salt Lake City, UT;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/12/2004

Projected Publication Date: 07/14/2005

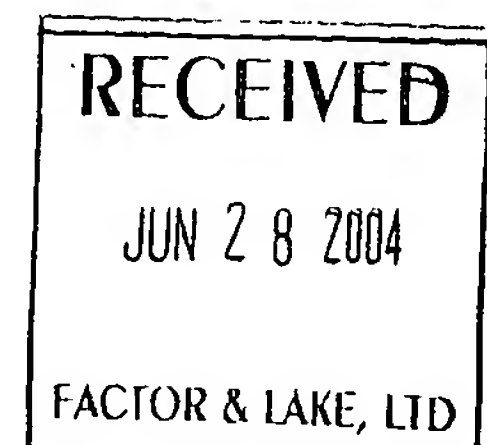
Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

THE USE OF 5-FLUOROURCIL, DELIVERED BY IONTOPHORESIS AS AN INHIBITOR OF



CELL PROLIFERATION IN THE EYE, BULBAR AND PALPEBRAL CONJUNCTIVA, EYELID,
PERI-ORBITAL SOFT TISSUES AND SKIN

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	IOM-P043
		First Named Inventor	Warren
		COMPLETE IF KNOWN	
		Application Number	10/707794
		Filing Date	1/13/2004
		Art Unit	
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)		Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THE USE OF 5-FLUOROURCIL, DELIVERED BY IONTOPHORESIS AS AN INHIBITOR OF CELL PROLIFERATION IN THE EYE, BULBAR AND PALPEBRAL CONJUNCTIVA, EYELID, PERI-ORBITAL SOFT TISSUES AND SKIN

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

07/19/2002

as United States Application Number or PCT International

Application Number PCT/US02/22860 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
60/306788	US	07/20/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

(Page 1 of 2)

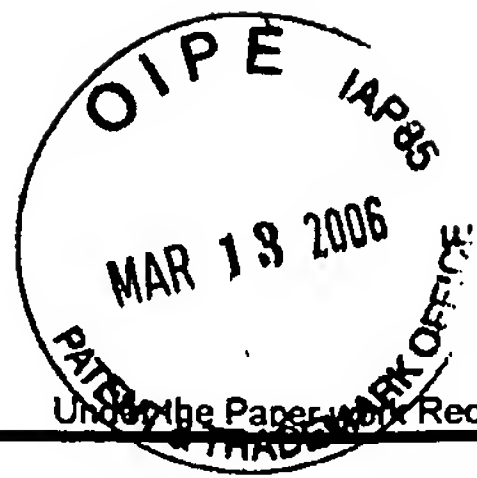
This collection of information is required by 37 CFR 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual's comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMMENTS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

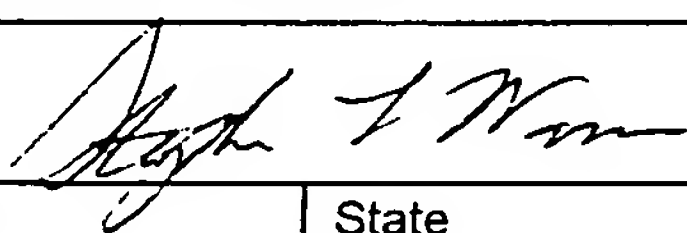
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EXHIBIT

B



DECLARATION – Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number <div>22876</div> OR <input type="checkbox"/> Correspondence address below			
Name			
Address			
City		State	ZIP
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Stephen		Family Name or Surname Warren	
Inventor's Signature 			Date 02-07-04
Residence: City Salt Lake City	State Utah	Country US	Citizenship US
Mailing Address 116 East Pinnacle Terrace Way #303			
City Salt Lake City	State Utah	ZIP 84121	Country US
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Steven		Family Name or Surname Hamilton	
Inventor's Signature			Date
Residence: City Park City	State Utah	Country US	Citizenship US
Mailing Address 1622 Park Place			
City Park City	State Utah	ZIP 84098	Country UA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the ____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			



UNITED STATES PATENT AND TRADEMARK OFFICE



FACTOR & LAKE, LTD
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SUITE 5G/H
CHICAGO, IL 60607

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUL 21 2004

OFFICE OF PETITIONS

In re Application of
Stephen Warren and **Steven
Hamilton**
Application No. 10/707,794
Filed: January 13, 2004
Title: THE USE OF 5-
FLUOROURCIL, DELIVERED BY
IONTOPHORESIS AS AN INHIBITOR
OF CELL PROLIFERATION IN THE
EYE, BULBAR AND PALPEBRAL
CONJUNCTIVA, EYELID, PERI-
ORBITAL SOFT TISSUES AND SKIN

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.47(a)
:

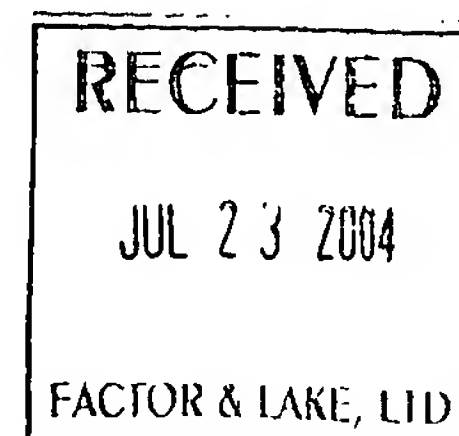
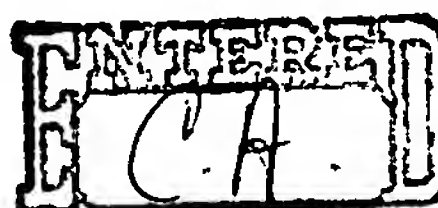
This is in response to the "Petition Under 37 CFR 1.47(a),"
filed June 14, 2004.

The petition is granted.

Petitioner has shown that non-signing inventor **Steven
Hamilton** has refused to join in the filing of the above-
identified application.

The above-identified application and papers have been
reviewed and found in compliance with 37 CFR 1.47(a). This
application is hereby accorded Rule 1.47(a) status. As
provided in Rule 1.47(c), this Office will forward notice of
this application's filing to the non-signing inventor at the
address given in the Declaration. Notice of the filing of
this application will also be published in the Official
Gazette.

The file is being forwarded to Technology Center 1600 for
examination in due course.



Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-9200.

A handwritten signature in dark ink, appearing to read 'Ed Tannouse', with a long horizontal flourish extending to the right.

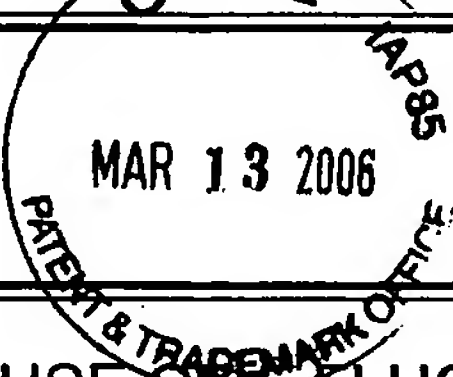
Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

O I P APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.0

MAR 13 2006



Title of Invention

THE USE OF 5-FLUOROURCIL, DELIVERED BY IONTOPHORESIS AS AN INHIBITOR OF CELL PROLIFERATION IN THE EYE, BULBAR AND PALPEBRAL CONJUNCTIVA, EYELID, PERI-ORBITAL SOFT TISSUES AND SKIN

Application Type: regular, utility

Attorney Docket Number: IOM-P043

Correspondence address:

Customer Number:

22876

22876

Continuing Data:

This is a National Stage of US application number PCT/US02/22860, filed 2002-07-19 , now pending.

Priority Data:

Doc.No: 60/306788; Country - US; Date: 2001-07-20 us-priority-claimed

Inventors Information:

Inventor 1:

Applicant Authority Type: Inventor

Citizenship: US

Given Name: Steven

Family Name: Warren

City of Residence: Salt Lake City

State of Residence: UT

Country of Residence: US

Address-1 of Mailing Address: 116 East Pinnacle Terrace Way #303

Address-2 of Mailing Address:

City of Mailing Address: Salt Lake City

State of Mailing Address: UT

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EXHIBIT

C

Postal Code of Mailing Address: 84104

Country of Mailing Address: US

Phone:

Fax:

E-mail:

Inventor 2:

Applicant Authority Type: Inventor

Citizenship: US

Given Name: Steven

Family Name: Hamilton

City of Residence: Park City

State of Residence: UT

Country of Residence: US

Address-1 of Mailing Address: 1622 Park Place

Address-2 of Mailing Address:

City of Mailing Address: Park City

State of Mailing Address: UT

Postal Code of Mailing Address: 84098

Country of Mailing Address: US

Phone:

Fax:

E-mail:

Attorney Information:

practitioner(s) at Customer Number:

22876

22876

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Assignee 1:

Organization Name: lomed, Inc.

Address-1 of Mailing Address: 2441 South 3850 West, Suite A

Address-2 of Mailing Address:

City of Mailing Address: Salt Lake City

State of Mailing Address: UT

Postal Code of Mailing Address: 84120

Country of Mailing Address: US

Phone:

Fax:

E-mail:



**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Warren et al.

CASE: IOM-P043

SER. NO.: 10/707,794

FILING DATE: January 13, 2004

FOR: The Use Of 5 Fluorourcil,
Delivered By Inotophoresis
As An Inhibitor Of Cell
Proliferation In The Eye,
Bulbar And Palpebral
Conjunctiva, Eyelid, ...

**PRELIMINARY
AMENDMENT**

COMMISSIONER
FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION OF:
Not yet assigned
EXAMINER:
Not yet assigned
CONFIRMATION NO.:
1793

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

The Applicant submits the following Preliminary Amendment to the above-identified application as follows:

Amendments to the Specification begin on page 2 of this submission.

Remarks/Arguments begin on page 8 of this submission.

Please enter the following amendments prior to calculation of filing fees and prior to substantive examination.

FACTOR & LAKE, LTD.
1327 W. Washington Blvd.
Suite 5G/H
Chicago, Illinois 60607
Tel: (312) 226-1818
Fax: (312) 226-1919

Jody L. Factor	34157
Micheal D. Lake	33727
Edward L. Bishop	39110
Joseph M. Kinsella Jr.	45743
Nick S. Lee	54260

Amendments to the Specification:

Please add the following section header and new paragraph before paragraph [0001]:

CROSS-REFERENCE TO RELATED APPLICATION

[0000.1] This application is a national phase application under 35 U.S.C. §371 of International Application Number PCT/US02/22860, filed on July 19, 2002, which claims priority to U.S. Serial No. 60/309,488, filed on July 20, 2001, both of which are incorporated herein by reference.

Remarks/Arguments

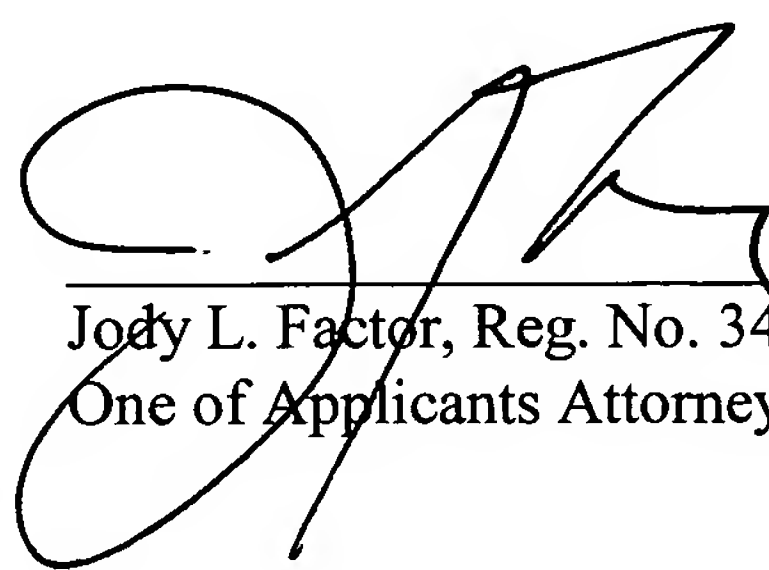
The Applicant respectfully submits that the new paragraph [000.1] has been added at the beginning of the specification to properly identify the present application as a national phase application under 35 U.S.C. §371 and the claim of priority to US 60/306,788.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.

Dated: March 7, 2006



Jody L. Factor, Reg. No. 34157
One of Applicants Attorneys

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 7, 2006.



Jenelle L. A. Melket